

### **REMARKS**

This application has been carefully reviewed in light of the Office Action mailed May 6, 2005. Claims 1-31 are pending. Reconsideration and favorable action are requested.

#### **Section 112 Rejections**

Claims 1, 11, 20, 26, and 29 were rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. In particular, the Office Action stated at page 2 that “the newly added claims language ‘automatically placing the card in a reset mode in response to powering up the card’ in Claims 1, 11, 20, and 26, and the claim language ‘transitioning into a power up status at a card comprising a processor and a memory accessible to the processor’ in Claim 29, is not described in the specification. Applicant respectfully traverses. At page 11, lines 16-17, the specification states “the line card is automatically put into the reset state 202 in response to being powered up.” FIGURE 3 also illustrates this. Thus, the claim language identified above as not being described in the specification is clearly described in the specification. Reconsideration and favorable action are requested.

#### **Section 103 Rejections**

Claims 1-31 were rejected as being unpatentable. The primary reference used in the rejections was U.S. Patent No. 6,035,346 to Chieng et al. (“*Chieng*”). Applicant respectfully traverses. Claim 1 is allowable at least because the cited references do not show the combination of “automatically placing the card in a reset mode in response to powering up of the card” and “in response to placing the card in a reset mode: communicating a signal . . . retrieving an executable file . . . and downloading the executable file to a memory . . . without requiring the use of boot code on the card.” Rather, in *Chieng*, the host processor sends a command to the PCI device when the host processor desires to download substitute boot program instructions. Col. 3, lines 33-34. In this manner, *Chieng* can update boot programming on the PCI device when desired, but *Chieng* does not disclose the above-described limitations including automatically placing the card in reset mode and performing particular acts upon being powered-up. According to one embodiment, such acts allow for elimination of certain non-volatile memory from the associated card.

The Office Action does not allege that any of the references show this combination of limitations, but rather focuses on the following language, that is not recited by the claims: “automatically placing the card in a hold or wait (reset) in response to activation (selection) of a card in a network element.” Not only does the Office Action not assert that the language in Claim 1 is met, but it appears to explicitly concede that *Chieng* is lacking the language in Claim 1 when it states at Page 3 that “one of ordinary skill would readily recognize that when the term activation . . . is used in regards to a card [sic] does not necessarily mean that programming of the card is performed the first time of activation (powered up) . . . .”

For at least the above reasons, Claim 1 is allowable, as are the claims depending therefrom. Claims 11, 20, and 26 are allowable for analogous reasons, as are the claims depending therefrom. Favorable action is requested.

**Information Disclosure Statement**

Applicant respectfully requests that the Examiner confirm consideration of the references cited in the Information Disclosure Statement dated July 30, 2004 by initialing the corresponding PTO Form 1449. Applicants have not previously received such confirmation. An additional copy of that PTO Form 1449 is enclosed for the convenience of the Examiner.

**CONCLUSION**

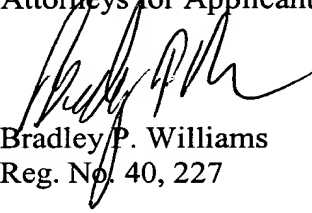
Applicant has now made an earnest attempt to place this case in condition for immediate allowance. For the foregoing reasons and for other apparent reasons, Applicant respectfully requests allowance of all pending claims.

If the Examiner feels that prosecution of the present Application may be advanced in any way by a telephone conference, the Examiner is invited to contact the undersigned attorney at 214-953-6447.

Applicant does not believe that any fees are due. However, the Commissioner is hereby authorized to charge these fees and any extra fee or credit any overpayments to Deposit Account No. 02-0384 of Baker Botts L.L.P.

Respectfully submitted,

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PTO 49 <b>Information Disclosure Citation in an Application</b>	Application No. 09/583,445	Applicant(s) E. Barton Manchester	
	Docket Number 062891.0390	Group Art Unit 2182	Filing Date May 30, 2000

**U.S. PATENT DOCUMENTS**

		DOCUMENT NO.	DATE	NAME	CLASS	SUBCLASS	FILING DATE
	A	5,051,982	09/24/1991	Brown et al.	370	58.2	07/27/1989
	B	5,208,803	05/04/1993	Conforti et al.	370	013	11/19/1990
	C	5,283,827	01/01/1994	Conforti et al.	379	399	11/19/1990
	D	6,021,333	01/01/2000	Anderson et al.	455	560	09/22/1995
	E	6,094,575	07/25/2000	Anderson et al.	455	422	03/04/1996
	F	6,154,465	11/28/2000	Pickett	370	466	10/06/1998
	G	6,266,340 B1	07/24/2001	Pickett et al.	370	442	03/31/1999
	H						
	I						
	J						
	K						
	L						

**FOREIGN PATENT DOCUMENTS**

		DOCUMENT NO.	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
							YES	NO
	M							
	N							
	O							

**NON-PATENT DOCUMENTS****DOCUMENT (Including Author, Title, Source, Pertinent Pages, and Date)**

P	
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EXAMINER

DATE CONSIDERED

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP § 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to the applicant.

U.S. PATENT AND TRADEMARK OFFICE